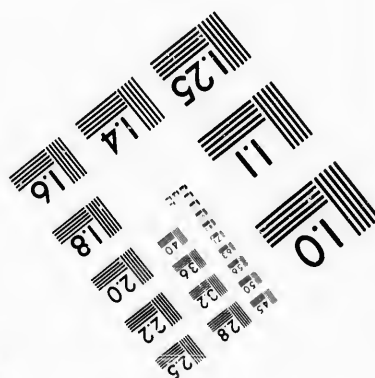
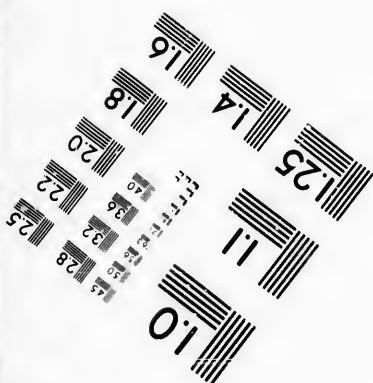
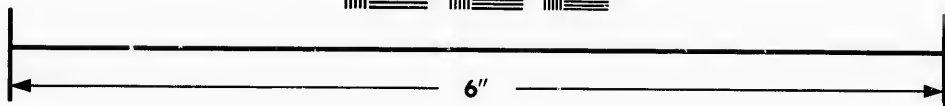
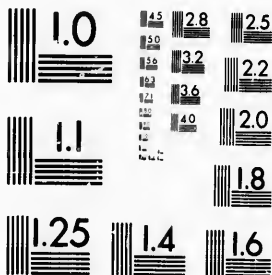


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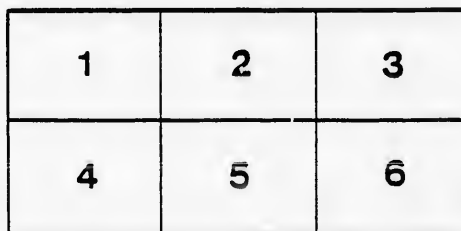
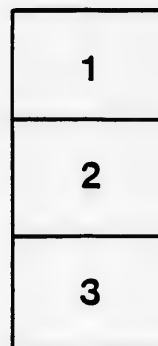
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PETITION

OF

JOHN FRASER

TO THE

Legislature of the Dominion
of Canada in Parliament
assembled, on matters re-
lating to the estate and
succession of the late Hugh
Fraser ;

ALSO,

DECLARATION

FILED WITH THE

Honourable the Minister of
Justice, setting forth the
falsification of the Record
of Court in the Fraser In-
stitute case, etc., and pray-
ing for justice.

Presented at Ottawa,

th February, 1882.

PETITION

*To His Excellency the Right Honourable Sir John
Douglas Sutherland Campbell, Marquis of Lorne,
Governor-General of the Dominion of Canada, &c.,
&c., the Honourable the Members of the Senate,
and the Honourable the Members of the House of
Commons of the Dominion of Canada, in Parlia-
ment assembled:*

The Petition of JOHN FRASER, of the City and District of Montreal, Gentleman, formerly Merchant, acting for himself as well as for such of his co-heirs as may be entitled to participate in the rest and residue of the estate of the late Hugh Fraser,

HUMBLY SHEWETH:

That your Petitioner is an heir-at-law of the late Hugh Fraser, in his lifetime Merchant, of the City of Montreal, who died at Montreal on the 15th day of May, A.D. 1870, having by his last Will and Testament, bearing date the 23rd day of April, A.D. 1870, bequeathed, after a few special minor legacies, the whole rest and residue of his estate, estimated at about \$500,000,

" TO ESTABLISH AT MONTREAL, IN CANADA, AN INSTITUTION TO BE CALLED
" THE FRASER INSTITUTE, TO BE COMPOSED OF A FREE PUBLIC LIBRARY, MUSEUM
AND GALLERY, &c."

THE FRASER INSTITUTE CASE.

That your Petitioner joined with his co-heirs, as Plaintiffs, in that certain cause, No. 1586, commonly known as the "Fraser Institute Case," filed in the Superior Court for the District of Montreal, on the 18th day of June, A.D. 1870, to cause said bequest to be declared illegal, null and void, as being contrary to the laws of the Province of Quebec relative to property and civil rights, but more particularly as being made in direct violation of the Edict or Declaration of the King of France, Louis XV., of 1743, forbidding bequests to non-existing corporations, or for their foundation or creation.

That the Honourable John J. C. Abbott, Queen's Counsel, John Cowan, Esquire, Merchant, and the Honourable Frederick William Torrance, one of the Judges of the Superior Court for Lower Canada, in their capacities of executors and trustees to the estate of the said late Hugh Fraser, were Defendants in the said case, No. 1586.

That the Court of Queen's Bench for Lower Canada, to which this case had been carried, declared by judgment rendered at Montreal on the 24th day of June, A.D. 1873, the said bequest to establish the said Fraser Institute, to be illegal, null and void, as being made in direct violation of the Edict or Declaration of Louis the XV., of 1743, but more particularly of the 2nd Article of said Edict, and the said Court further declared your Petitioner and his co-heirs to be the sole owners and proprietors of all the property, real and personal, left by the said late Hugh Fraser after payment of the special legacies named in said will.

2

THE CAUSE OF THE PROMULGATION OF THE EDICT OR DECLARATION OF
THE KING OF FRANCE OF 1743.

That, in the 18th century, the leading nations of Europe adopted a policy which tended to restrain the excessive accumulation of real estate held in mortmain and by corporate bodies, whether ecclesiastical or lay, as evinced in England in A.D. 1736, by the passing of the Act, in the 9th year of the reign of George II. (Chapter 36), commonly known as the Statute of Mortmain, and in France by several laws and ordinances previous to and subsequent to this Edict of 1743.

That Louis the XV., then King of France, of Navarre, and of several American colonies, including this Province of Quebec, wielding absolute power, legislative and executive, in pursuance of said policy, promulgated an Edict or Declaration, bearing date at *Versailles*, the 25th day of November, A.D. 1743, and duly registered in the Superior Council, at Quebec, on the 5th day of October, A.D. 1744, by which it was, among other things, decreed and enacted as follows, in the First, Second and Ninth Articles of said Edict, and which Articles were pleaded and relied upon by your Petitioner and his co-heirs.

ARTICLES FIRST, SECOND AND NINTH OF THE EDICT OF 1743.

Article 1st.—" Conformably to the Ordinances pronounced and the rules made
" for the interior of Our Kingdom, We ordain that there shall not be
" made, in our colonies of America, any foundation or new establish-
" ment of Houses, or Religious communities, or of Hospitals, Asylums,
" Congregations, Confraternities, Colleges, or any other Corporation
" or Community, either ecclesiastical or lay, unless under and by
" virtue of our express permission, conveyed by our Letters Patent,
" to be registered in our Superior Councils, of the said Colonies, in
" the form which shall be hereafter prescribed."

Article 2nd.—" We forbid the making of any bequests, by last Will or Testament,
" for the foundation of any new establishment, such as those
" mentioned in the preceding Article, or for the benefit of any per-
" sons who might be entrusted with the formation of any such
" establishment, the whole under pain of nullity, which shall be
" observed, even when the bequest is made upon the condition
" (*a la charge*) of obtaining our Letters Patent."

Article 9th.—" We declare to be null all establishments of the kind described in
" the first Article, which shall not have been authorized by our
" Letters Patent, registered in our said Superior Councils, as also all
" dispositions and acts made in their favor, directly or indirectly, not-
" withstanding any prescriptions or consents, expressed or implied,
" which might have been given at or to the execution of any such
" dispositions or acts, by the parties interested, their heirs or assigns."

JUDGMENT OF THE COURT OF QUEEN'S BENCH FOR LOWER CANADA.

That the Court of Queen's Bench for Lower Canada, by its judgment rendered in this cause at Montreal, on the 24th day of June, A.D. 1873, declared, among other things, as follows:—

" That when the definitive Treaty of Peace was concluded between Great
" Britain and France on the 10th day of February, A.D. 1763, under which Canada,
" with all its dependencies (including this Province of Quebec), was ceded by the
" Crown of France to the Crown of Great Britain, the said Edict or Declaration of
" 1743 was unrepealed, unaltered and in full force and vigour."

" That in all matters of controversy relative to property and civil rights,
" resort shall be had to the laws of Canada as the rule for the decision of the
" same, and all causes that shall be instituted in any of the Courts of Justice,
" shall, with respect to such property or rights, be determined agreeably to the
" laws and customs of Canada until they shall be varied or altered in due course
" of legislation."

" That the said Edict of 1743 was and is a law of *public policy*, or *public order*,
" * * * * * That it is the only law relating to mortmains or to the
" acquisition of immoveable property, through bequest or otherwise, by bodies
" corporate, without the permission of the Crown ever promulgated in this
" country, and that it was at the time of the making of the Will and Testament
" of the late Hugh Fraser, and at the time of the decease of the Testator, as it is
" still, unrepealed, unaltered and in full force and vigour."

" That the object of the said intended bequest was for the establishment of a
" Lay Corporation, having at the time of the execution of his said Will and at the
" time of his decease, no existence, either under Letters Patent from the Crown,
" or by virtue of any Act or Charter of the Legislature of this Province, the said
" intended bequest was made in direct violation of the said Edict or Declaration
" of 1743, and therefore was, and is, illegal, null and void."

FALSIFIED RECORD OF COURT.

That the said Defendants, ABBOTT, COWAN and TORRANCE, appealed from the judgment of the Court of Queen's Bench for Lower Canada, to Her Majesty's Privy Council in England, and caused to be printed a Record, containing 167 pages of printed matter, purporting to be a Transcript of the Record of Court on file in this cause in the Court of Queen's Bench for Lower Canada.

That the said Record of Court was fraudulently tampered with in its transmission in a printed form, from the Court of Queen's Bench for Lower Canada to Her Majesty's Privy Council, and that it contains matter which is not and never was of record in the Record on file in the Court appealed from.

That your Petitioner complains of that printed Record of Court as follows :

1st.—That all that printed matter which is contained between the pages 97 and 140, both pages inclusive, of that printed Record transmitted to England, *was surreptitiously inserted under cover thereof, and which matter is not and never was of record, and forms no part of the Record of Court on file in this cause, either in the Court of Queen's Bench for Lower Canada or in the Superior Court for the District of Montreal.*

2nd.—That the said matter complained of, as contained in the 44 pages, between the pages 97 and 140, is *marked, numbered and unguined*, in and on the margins of the said 44 pages of that printed Record transmitted to England as :—

" RECORD "
 " IN THE "
 " COURT "
 " OF "
 " QUEEN'S "
 " BENCH, "
 " No. 46. "

The same being false and fraudulent, there being no such matter on file in the Record of Court on file in this cause in the Court of Queen's Bench for Lower Canada.

JUDGE BADGLEY'S REASONS.

3rd.—That, in addition to the above 44 pages complained of, your Petitioner also complains that the matter printed above the name or signature of " W. Badgley, J.Q.B." as contained in that printed Record transmitted to England, between the pages 149 and 167, purporting to be the reasons of dissent delivered by Mr. Justice Badgley in this cause, *in open Court*, is false, and are not the reasons delivered by the said judge in his dissent in open Court. That the said Defendants, the executors and trustees, caused the said false and fraudulent reasons to be printed above the name or signature of that learned judge for the purpose of misleading and deceiving their Lordships of Her Majesty's Privy Council as to the existence of a Law, the Edict of 1743, which was pleaded and relied upon by your Petitioner and his co-heirs, as one of the existing laws of the Province of Quebec, relative to property and civil rights, and on which they rested their case, and being the very points on which their Lordships reversed the judgment of the Court of Queen's Bench for Lower Canada.

AFFIDAVIT OF PETITIONER.

4th.—That your Petitioner placed on file on the 5th day of November, A.D. 1877, in the Superior Court, Montreal, an affidavit, attached to his petition, *requête civile*, setting forth that these falsified reasons of Mr. Justice Badgley were not *written, completed or signed* until three months after the said judge had ceased to be a judge of the Court of Queen's Bench for Lower Canada.

NOTE.—The clerk of the Court of Queen's Bench for Lower Canada testified under oath before the Commissioners, Smith and Robidoux, that the matter complained of by your Petitioner as contained in the said 44 pages, is not and never was of record in the Record on file in this cause in the Court of Queen's Bench for Lower Canada.

That the executors and trustees are the parties at whose instance the said fraudulent Record was printed, and that they paid for the printing of the said falsified Record out of the funds of the estate and succession of the late Hugh Fraser, knowing the same to be false, and your Petitioner believes and declares that the said executors and trustees caused the said falsified reasons of Judge Badgley to be printed for the purpose of wronging and injuring your Petitioner and his co-heirs, as herein set forth, by influencing the judgment of Her Majesty's

Privy Council by obtaining from the said Judge Badgley, after he had ceased to be a judge, a plea to sustain their pretensions, as if the reasons so given and printed were deliberately given under the sanction of his oath and office and by him delivered in open Court as the reasons of his judgment when acting under and invested with the authority of a sworn Justice of the Court of final resort in the Province of Quebec.

That your Petitioner will place before the Honourable the Minister of Justice an affidavit respecting the falsification of the Record of Court in this cause and praying his action thereon.

JUDGMENT OF HER MAJESTY'S PRIVY COUNCIL.

That their Lordships of the Judicial Committee of Her Majesty's Privy Council, having the aforesaid fraudulently printed Record before them, rendered judgment in this *cause* on the 26th day of November, A.D. 1874, reversing the judgment of the Court of Queen's Bench for Lower Canada, on the ground that :

" Their Lordships cannot but think that the 2nd Article of the Edict (of 1743) " is abrogated by the Code."

And again they say :

" Their Lordships, therefore, think they cannot treat the 2nd Article of the Edict as a part of the existing law of the Province relating to wills, and " if " this be so," *mark these words of doubt*, " and if it be so, there is nothing in " that law, to affect the validity of the bequest of the moveable property."

And further on their Lordships say :—

" Apart, therefore," mark these words—" Apart, therefore, from the 2nd " Article of the Edict, there would seem to be nothing in principle or in positive " law to render such a gift as the present illegal as a gift in Mortmain."

NOTE.—(These above expressed doubts of their Lordships clearly show that the whole case rested on the existence or non-existence of this 2nd Article of the Edict of 1743, as pleaded by your Petitioner and his co-heirs).

But their Lordships also say in their judgment, as follows :—

" It is true that the First and Second Articles of the Edict are not in like " manner reproduced in the Code."

Their Lordships thereby admitting by this last above extract from their judgment in this *cause* that these two Articles, First and Second, of the Edict (under the Article 2613 of the Code hereinafter given) *were not and are not repealed or abrogated by the Code*.

THE HEIRS OF THE LATE HUGH FRASER WRONGED.

That your Petitioner and his co-heirs have been unjustly and wrongfully dealt with, in having matter not of record inserted in the printed Record of Court, which was transmitted to and filed by the said executors and trustees in Her Majesty's Privy Council in England, and by causing the same to be *marked, numbered and unregined* in and on the margins of the said printed Record, as hereinabove noted, making it fraudulently to appear as if the matter contained in the said 44 pages was part of the Record of Court on file in this *cause*, in the Court of Queen's Bench for Lower Canada.

THE LAWS OF THE PROVINCE OF QUEBEC.

That by the laws of the Province of Quebec existing on the Statute Book of the said Province at the date of the death of the late Hugh Fraser, as declared by the Court of Queen's Bench for Lower Canada, your Petitioner and his co-heirs are the sole owners and proprietors of all the property, real and personal, left by the said late Hugh Fraser, after payment of the special legacies mentioned in his Will.

That your Petitioner maintains that the aforesaid Edict of the King of France, Louis the XV., of 1743, relating to property and civil rights, was part of the existing law of the land when the Treaty of Peace was concluded between Great Britain and France, on the 10th day of February, A.D. 1763, and that the First, Second and Ninth Articles of said Edict, on which your Petitioner and his co-heirs rely, have never been repealed, abrogated, provided for, or reproduced in any subsequent law now in force, nor in any of the Articles of the Civil Code for Lower Canada.

THE CIVIL CODE OF LOWER CANADA.

That the Civil Code of Lower Canada was promulgated on the first day of August, A.D. 1866. That the Articles of the Code are positive enactments, and are not promulgated as new law, but are merely declaratory of the *pre-existing old law* of the Province.

ARTICLE 2,613 OF THE CIVIL CODE.

That the Article 2,613 of the Code, limits the repeal of the laws in force, at the time of the promulgation of the Code to the following cases, viz :

" In which there is a provision herein having expressly or impliedly that effect."

" In which such laws are contrary or inconsistent with any provision herein contained."

" In which express provision is herein made upon the particular matter to which such laws relate."

That your Petitioner says:—That no provision has been made in the Code for the First, Second and Ninth Articles of the Edict of 1743, on which your Petitioner and his co-heirs rely and have pleaded, and, therefore, they are not repealed by the Code.

That their Lordships of Her Majesty's Privy Council say in their judgment in this cause:—

" It is true that Articles First and Second of the Edict (of 1743) are not in like manner reproduced in the Code."

That the said Edict of 1743, is frequently referred to in the jurisprudence of this Province, previous to the Civil Code (notably, in the cases of the McGill College, see Stuart's Reports, page 218; Freligh Grammar School, see 5, L. C. Reports, pages 492 and 503, and Kierskowski and Grand Trunk Railway, see L. C. Jurist, vol. 4, page 86) and, four years after the promulgation of the Civil Code, to wit, on the 19th day of December, A.D. 1870, in the "*Chaudiere Gold Mining Company and Desbarats*," (See *L. C. Jurist*, vol. 15, page 54).

Mr. Justice Badgley said:

" Whatever doubts might have existed heretofore * * * * * they have disappeared since the promulgation of the Code, which has declared those old law prohibitions to be and to have been our Provincial law * * * * * This general law of the country * * * * * respecting both Mortmainors and bodies corporate is to be found originally in the ordinance of Louis the XV., of 1743, which was duly registered as municipal law in Canada at the time, and has never been abrogated or repealed."

That, further, the late Judge Beaudry, one of the codifiers, four years after the promulgation of the Code, makes special reference to the existence of this Edict, at page 74 of his published work.—"*Code des curés et Marguilliers*, 1870."

THERE WERE TWO RECORDS PRINTED IN THIS CAUSE.

That there were two Records printed at the instance of said executors and trustees in this cause—the one falsified, the other a true transcript of the Record on file in the Superior Court and in the Court of Queen's Bench for Lower Canada. The falsified Record was filed by the said executors and trustees in Her Majesty's Privy Council in England, as the Record of Court in this cause from Canada; the other, the true Record, was furnished to your Petitioner's Solicitors in England, and by them transmitted to your Petitioner, thereby disarming your Petitioner of any suspicion of the existing fraud.

That the printed Record received by your Petitioner from his Solicitors in England, and now in his possession, does not contain the 44 pages of printed matter as hereinabove complained of as contained between the pages 97 and 140 in the falsified printed Record which was filed, as above stated, by the said executors and trustees in Her Majesty's Privy Council in England.

That your Petitioner feels and believes, that it will hardly be credited, that so daring a wrong and outrage could be perpetrated in any part of the British Empire in this 19th century of Christian civilization, as to have two Records of Court printed in one cause as has been done in this case, and for the evil intent of wronging and injuring a poor family—the brothers and sisters of the testator as herein set forth. Your Petitioner has copies of both Records and will produce them when called for.

THE RIGHT OF APPEAL TO HER MAJESTY THE QUEEN.

The blindest subject of Great Britain prides himself on his right of appeal to Her Majesty, the Queen, but if the only channel through which he has to seek redress or to make his approach to the throne is corrupt, or can be corrupted, by having the written and recorded facts of his case tampered with, as in this case, far better, in such a case, if there existed no right of appeal at all! Time was, in Canada, when the slightest attempt to tamper with Justice or with the Records of our Law Courts, would have consigned the intriguers to a resting place for life! Shall it be said of this, our young Dominion, that honourable judges and

learned counsellors when they are parties, as in this cause, to an action at law, shall have freeness to do as they please with the Records of our Law Courts to exclude everything that is obnoxious to their pretensions, or to select and add thereto matter which bears favourably on their case?

The Roman citizen of old had more protection and was far safer, two thousand years ago, in his appeal to an Imperial Cæsar than a Canadian subject of the Queen of England is now!

That your Petitioner feels himself aggrieved, that he and his co-heirs have been unjustly dealt with, that the judgment of Her Majesty's Privy Council in this cause is UNJUST and in ERROR, being in direct violation of an existing law of the Province of Quebec, that your Petitioner and his co-heirs have, hitherto, been denied the common rights of British subjects to inquire into the causes which led to the reversal of the judgment of the Court of Queen's Bench in this cause.

That the Judicial Committee of Her Majesty's Privy Council is a "*Judicial body only*," having no legislative powers whatever, to declare abrogated or repealed any law of the Province of Quebec so long as that law stands unrepelled on the STATUTE BOOK of said Province, and, like any other Court of Justice, it is bound to administer the laws of this Province as they exist.

STATEMENT OF PETITIONS AND APPLICATIONS MADE BY YOUR PETITIONER TO OBTAIN REDRESS IN THIS CAUSE AFTER THE PRIVY COUNCIL JUDGMENT:

1st.—That your Petitioner presented a memorial to the Quebec Legislature in January, 1875, to wit:

"Memorial of the heirs of the late Hugh Fraser, respecting a decision rendered in Her Majesty's Privy Council on the 26th Nov., 1874."

Setting forth the injustice of said judgment as being contrary to the law of the land. Nothing resulted from this memorial; your Petitioner was not then aware that the Record of Court had been tampered with.

REQUÊTE CIVILE ATTACK ON THE PRIVY COUNCIL JUDGMENT.

2nd.—That your Petitioner presented a Petition *Requete Civile*, with affidavit attached, to the Superior Court, Montreal, on the 5th November, A.D. 1877, setting forth the whole facts of the tampering with the Record of Court, as herein stated, and praying that Writs do issue to cause the said executors and Trustees to appear before the said Court to answer the charges made in said *Requete Civile*.

The said Court dismissed said Petition on 8th November, 1877, declaring in effect, that the said Court had not jurisdiction in the matter, had not power to grant the prayer of said Petition.

COURT OF REVIEW.

3rd.—That your Petitioner carried this judgment in appeal to the Review Court, and judgment was rendered in Review on 31st January, 1878, confirming the said judgment.

Mr. Justice Mackay, addressing himself to your Petitioner when rendering judgment in Review, said:

"We have no jurisdiction in this matter—go to the Privy Council where the judgment complained of was rendered."

This ruling of the Review Court was in error, because the Article 505, C.C.P., provides for an attack on the judgment of a Court of *1^{er} resort* on a complaint similar to this cause.

PETITION TO THE SUPREME COURT OF CANADA.

4th.—That your Petitioner presented a Petition to his Lordship, Sir W. B. Richards, Chief Justice of the Supreme Court of Canada, in Chambers, at Ottawa, on the 15th day of March, A.D. 1878, praying for leave to proceed in *forma pauperis*, without the deposit of the usual \$500.00 security before the Supreme Court of Canada, to have the aforesaid judgments of the Review and Superior Courts reversed. His Lordship did not grant the appeal because (His Lordship said) the statute creating the Supreme Court allowed of no appeal in any case until security to the extent of \$500.00 is given to the satisfaction of the Court appealed from.

DRAFT OF A PETITION TO THE PRIVY COUNCIL.

5th.—That in May, A.D. 1878, your Petitioner forwarded a Petition to the Privy Council in England. This Petition was not presented, because the Registrar wrote:

"It would require your Petitioner to present the said Petition in person or by counsel."

The Registrar of the Privy Council, by order of the Lord President of the Council, wrote to your Petitioner under date of 23rd May, 1878, instructing your Petitioner how to proceed in this matter, and further said :

" I am further to observe that the charges brought by you against public officers in Canada cannot be entertained unless they are supported by the STRONGEST LEGAL EVIDENCE."

PETITION TO THE COURT OF QUEEN'S BENCH IN SEARCH OF THE STRONGEST LEGAL EVIDENCE.

6th.—That, in order to obtain the strongest legal evidence in support of his Petition to the Privy Council, your Petitioner presented a Petition on the 11th day of September, A.D. 1878, to the judges of the Court of Queen's Bench, Appeal Side, for Lower Canada, setting forth all the facts as herein set forth, praying that Honourable Court to order an *enquire* or *inquiry* into this matter, and to grant your Petitioner a certificate as to whether the matter complained of, as contained in the 41 pages heretofore referred to, is or ever was of record in this cause in the Court of Queen's Bench for Lower Canada. The said Court rejected the said Petition on the 18th day of September, A.D. 1878, refusing to grant your Petitioner's prayer.

PETITIONS TO THE QUEBEC LEGISLATURE.

That your Petitioner has presented three Petitions to the Quebec Legislature in Parliament assembled—the first in June, A.D. 1879; the second in June, 1880; and the third on the 14th day of May, A.D. 1881.

PETITION AND AFFIDAVIT TO THE QUEBEC LEGISLATURE.

That the said last Petition, presented 4th May, 1881, with affidavit attached, setting forth the wrong-doings of the executors and trustees of Hugh Fraser's estate, and exposing the falsity of their accounts, and in which your Petitioner prayed for a Royal Commission to be appointed to examine into the affairs of said estate, and prayed also for the passing of a Declaratory Act to remove doubts respecting the existence of the Edict of 1763, as being part of the laws of the Province of Quebec.

Your Petitioner has had no response to the said Petition.

That your Petitioner has used every means in his power, as hereinabove shown, to obtain redress for the wrong-doings connected with the estate, before this approach to your Honourable House.

ACCOUNTS OF THE EXECUTORS, TRUSTEES AND THE GOVERNORS OF THE FRASER INSTITUTE.

1st.—That Riddell and Evans, Public Accountants, prepared statements of the accounts of the said estate from the 15th May, 1870, to the 1st of July, 1874. These accounts of the estate have been entirely suppressed from the public by the executors and trustees of the estate and the Governors of the Fraser Institute.

2nd.—That the executors and trustees of the estate, after they had obtained the Privy Council judgment in their favour, caused other accounts to be made up from the 15th day of May, A.D. 1870, to the 11th December, 1874, to which, for the consideration paid to him of \$500.00, they obtained the certificate of Edward Evans, certifying, in the name of Riddell and Evans to the correctness of these fraudulent accounts, which accounts he had not made up nor examined.

3rd.—That John Henry Menzies, the Agent of the said estate and the Secretary-Treasurer of the Fraser Institute, refused to certify to or sign these accounts, knowing them to be false.

4th.—That John Henry Menzies, the Secretary and Treasurer of the Fraser Institute, made out separate accounts and signed them as " Secy.-TREAS." These accounts differ in about \$20,000, from the accounts of the executors and trustees as certified to as correct by Riddell and Evans.

5th.—That, subsequently, the Governors of the Fraser Institute made up accounts to the 30th June, 1879, condemning and contradicting the accounts of their Secretary-Treasurer.

6th.—That Edward Evans has made a deposition testifying that fully *one-third* of the pretended cash entries and cash transactions entered and charged in the said accounts of the executors and trustees, which he certified to as correct, are not contained in and cannot be found in the Cash Book of Hugh Fraser's estate.

7th.—That your Petitioner has copies of all of the above accounts, except the first one, made up to the 1st of July, 1874, and all of which accounts, except the first one which he has not seen, he declares to be false and fraudulent, and made up for the purpose of defrauding the said estate, and he refers to his affidavit, attached to his Petition, presented to the Quebec Legislature on the 4th May, 1881.

NOTE.—Here follow a few special charges of wrong-doings of the executors and trustees in their handling of the estate.

HUGH FRASER'S IMPORTED AYRSHIRE CATTLE.

That the late Hugh Fraser died on the 15th day of May, A.D., 1870.

That at the time of his death he was interested in an importation of Ayrshire cattle, Leicester sheep and Berkshire pigs, which cattle arrived in the port of Montreal ex the "Abeona," from Glasgow, during the first week of July, 1870.

That on the 5th of July, 1870, the Hon. John J. C. Abbott, the trustee of Hugh Fraser's estate, caused an entry, to wit, entry No. 288, to be passed and sworn to before the Collector of Her Majesty's Customs for the port of Montreal, having a certificate thereto attached signed "J. J. C. Abbott," bearing date the 30th June, 1870, declaring the said cattle to be his, the said Hon. John J. C. Abbott's property.

That on the 5th day of July, 1870, the said Hon. John J. C. Abbott caused an editorial to be inserted in the *Herald* newspaper. (see *Montreal Herald*, vol. 62, No. 158) declaring or setting forth to the public that the said cattle were imported by the Hon. Mr. Abbott and his brother, the late C. C. Abbott, the editorial is a lengthy one, and is very complimentary to these two "Abbotts," but not a word or reference is therein made to the late Hugh Fraser's estate.

That on the following day—the 6th July, 1870, an entry is recorded in the Cash Book of Hugh Fraser's estate showing that the sum of \$1,541.80 had been taken out of the funds of Hugh Fraser's estate to pay the Messrs. H. & A. Allan for the freight bill on the said cattle.

That on the landing of the said cattle ex the "Abeona," they were immediately *swapt of en bloc*, to the farm of the said Hon. John J. C. Abbott, or to the farm of his brother, the late C. C. Abbott, at St. Amnes.

That the last your Petitioner heard of these cattle was, by an advertisement in the *Montreal Herald*, that these cattle, the late Hugh Fraser's cattle, were to be sold at St. Amnes, on the 10th day of August 1870, as being the property and belonging to the estate of the late C. C. Abbott, by order of his executor, the said Hon. John J. C. Abbott.

TREATMENT OF HUGH FRASER'S YOUNGEST SISTER.

That the two trustees, Abbott and Judge Torrance, were left legacies by Hugh Fraser amounting to \$5,000.00, which they paid to themselves *six weeks after his death*, to wit, on the 28th of June, 1870.

That Elizabeth Fraser, Hugh Fraser's youngest sister, was left \$4,000.00 which these two worthy trustees retained from her for *four years and nine months*, till February, 1875, and then refused to pay her *one cent* of the \$1,470.00, the earned dividends on her legacy, although they had been enjoying interest on their legacies since the 28th June, 1870—in short, after this fashion, these two trustees have dealt their vengeance with an unsparing hand on every member of the family whenever opportunity offered.

TWO FRAUDULENT TRANSACTIONS IN THE EXECUTORS' ACCOUNTS.

1st.—That the last item charged by the executors in their accounts against the estate and succession of the late Hugh Fraser, is as follows:

Namely:
"By cash paid trustees \$4,711.23"

Your Petitioner solemnly declares that this charge of \$4,711.23 is a fraud on the estate, that no such a payment was ever made by the executors, and that there is no such an entry to be found in the Cash Book of Hugh Fraser's estate, and, moreover, Menzies, the Secretary-Treasurer, drops entirely this charge of \$4,711.23, in the accounts made out by him and signed by him as Secretary and Treasurer, thus showing that this \$4,711.23 is a fraudulent charge by the executors in their accounts.

2nd.—That in the said accounts of the executors, the sum of \$3,938.83 is twice charged to the estate and succession of the late Hugh Fraser, *as cash* paid by them, the said executors, to wit, this amount (\$3,938.83) is first charged to the estate in the balance of settlements in the *joint accounts* in the executors' accounts, and secondly, it is charged in the items charged *as proportion of losses paid on joint account speculations*. The aforesaid Edward Evans, who had certified to the correctness of the executors' accounts, testified in his deposition aforesaid and

was forced to file two exhibits, plainly shewing that the executors had twice charged the estate and succession of the late Hugh Fraser with this amount of \$3,938.83.

That the whole accounts of the executors, trustees and the governors of the Fraser Institute are false, the above two charges being a fair sample.

That in addition to the above, Mr. Menzies, the agent of the estate, and Secy-Treas., is charged in his own handwriting in the Cash Book and journal of the estate with \$8,438.94, between the 15th May, 1870 and the 11th December, 1874, whereas, Menzies is only charged with \$153.69 in the executors' accounts during that period of time.

ILLEGAL AND PREMATURE TRANSFER OF THE ESTATE TO THE FRASER INSTITUTE.

That the transfer of the estate of the late Hugh Fraser to the Fraser Institute was both premature and illegal, being contrary to the terms of the will and in direct violation of the provision made in the interest of your Petitioner and his co-heirs in the Statute 34 Victoria, chapter 50, incorporating the Fraser Institute.

That the trustees were bound under the will to *acquire property wherein to construct suitable buildings* for the Fraser Institute, and were also bound to *construct such buildings* before transferring the estate over to the Fraser Institute.

That the trustees conveyed over the estate to the Fraser Institute without acquiring property and without constructing suitable buildings.

That by the Act 34, Vic., chap. 50, the said trustees were forbidden to alienate, convey or transfer any part of said estate until all pending suits were finally adjudicated in the Court of last resort.

AN OLD SCOTCH-CANADIAN FAMILY.

That your Petitioner and his co-heirs are not Canadians of yesterday ! Their family has been connected with the destinies of Canada ever since it became a British colony, and have borne arms on every hard-fought field on our country's frontier in the war of 1812 to 1815, and in the neighbouring Republic during the Revolutionary War on the Royal side. They claim to belong to two of the oldest Scotch-Canadian families in Canada. That their ancestors were in Wolfe's Army, in the Fraser Highlanders, who landed at Quebec on the 13th day of September, 1759. That their paternal and maternal grandfathers were among the first settlers in the Scotch Counties of Glengarry and Argenteuil, nearly 100 years ago. That their family have been residents at the *King's Posts*, on the *Lower Lachine Road*, for the past 70 years, therefore, they feel, as British-Canadian subjects, they have a *double right* to the full benefit and protection of the French laws and customs of this Province, relative to property and civil rights, existing at the time when the Treaty of Peace was concluded between Great Britain and France as guaranteed under said Treaty to His Majesty's Canadian subjects (your Petitioner's ancestors and their descendants) until such laws should be varied or altered in due course of legislation.

That the First, Second, and Ninth Articles of the edict of 1743, which your Petitioner and his co-heirs have pleaded and relied upon, as being part of the existing law of the land when the Treaty of Peace was concluded between Great and France, on the 10th day of February, A.D. 1763, have never been varied or altered, nor are they reproduced or provided for in any subsequent law now in force or in any of the Articles of the Civil Code for Lower Canada.

THE GUARANTEES OR PROMISES OF THE BRITISH CROWN.

The guarantees of the British Crown have never failed ! unless they fail in this cause. They have been held in every age as sacred, nearly as sure and as sacred as the "*promises of old*," which never fail ! It was proudly boasted by Britons of olden time :

" That where Britain's power is felt,
Mankind may feel her mercy too."

Therefore, your Petitioner and his co-heirs, as British-Canadian subjects feel, although justice has been tardy, that the Majesty of the law, as declared at Montreal on the 24th day of June, 1873, by the judgment of the Court of Queen's Bench for Lower Canada, in this cause, will yet be upheld.

FRENCH EDICTS AND ORDINANCES WHICH WERE IN FORCE WHEN THE TREATY OF PEACE WAS CONCLUDED ON THE 10th DAY OF FEBRUARY, A.D. 1763 :

That 40 years after the Treaty of Peace was concluded, to wit, in A.D. 1803, there were published by resolution of the House of Assembly of Lower Canada, passed on the 5th of March, 1804, *two volumes*, containing all the French edicts and ordinances of this Province, and at page 537, of the first volume of the *Edits et Ordonnances*, then published, there will be found this edict of 1743, as part of the then existing law of the land.

GUARANTEE OF THE BRITISH CROWN.

That by the Imperial Statute 14th, George the 3rd, chap. 83, it was guaranteed to "His Majesty's Canadian subjects," "that in all matters of controversy relative to property and civil rights, resort shall be had to the laws of Canada (French civil laws) until such laws shall be varied in due course of legislation."

THE 2ND ARTICLE OF THE EDICT OF 1713.

That your Petitioner and his co-heirs pleaded that the said bequest to establish the Fraser Institute was made in direct violation of the said 2nd Article of this edict. That the Court of Queen's Bench for Lower Canada, the highest Court in this Province, declared the said bequest illegal, null, and void as being made in direct violation of the said 2nd Article of this edict of 1713.

HAS THE DOMINION OF CANADA A CHARACTER AT STAKE IN THIS CAUSE?

That we, Canadians of the present generation, are laying the foundation of an Empire yet to be, whose boundaries will stretch from sea to sea, from the Atlantic to the Pacific, and from the River to the Ends of the Earth, from the St. Lawrence to the North Pole, therefore, we should be careful of the corner stones we lay, and guard with *jealous eyes* the superstructure, so that future generations of Canadians may not have cause to point back, *with a blush of shame*, to this, our day, when an Honourable Judge and a learned Counsellor could *boldly and daringly* be parties to a falsified Record of Court, and also cause to be printed falsified reasons of a judge, which reasons they knew were never delivered by the said judge in open Court, and yet escape the punishment for such a crime as is provided for by the statute in such a case.

Where shall justice be found, and to what Court, what tribunal, shall your Petitioner and his co-heirs have to apply for redress?

That the Supreme Court of Canada has jurisdiction over all the laws of the Dominion of Canada.

That your Honourable House, *the Legislature of the Dominion of Canada in Parliament assembled*, has power to authorize your petitioner to submit a case before the Supreme Court of Canada, *on the question*, as to whether the edict in question in this cause, to wit, the edict of Louis the XV., of 1743, was part of the existing law of the land when the Treaty of Peace was concluded between Great Britain and France, on the 10th day of February, 1763, and also whether the 2nd Article of this edict was part of the existing law of the Province of Quebec at the date of the death of the late Hugh Fraser, on the 15th of May, 1870.

And, secondly:—Your Honourable House could authorize the Supreme Court of Canada to *receive and adjudicate* upon a Petition from your Petitioner, similar to, and embodying the same grounds as contained in his Petition presented in Chambers the 15th day of March, 1878, before the late Chief Justice Sir W. B. Richards, of the Supreme Court, praying for leave to proceed *in forma pauperis* before the Supreme Court of Canada in the matter of his Petition, *Requête Civile*, as hereinbefore referred to.

And, thirdly:—That all the documents and papers on file in this cause in the Superior Court and in the Court of Queen's Bench, at Montreal, with a list of the same, and the dates of their filing in the said Courts, should be ordered up to Ottawa and there placed in the custody of the Minister of Justice, also the Petition, *Requête Civile*, with affidavit attached, as filed by your Petitioner in the Superior Court at Montreal, on the 5th day of November, A.D. 1877.

PRAYER OF YOUR PETITIONER.

Wherefore your Petitioner, acting for himself and his co-heirs, humbly prays for common justice, common British justice and British fair play in this cause, in accordance with the law of the land, as herein set forth.

And prays:—

1st.—That your Honourable House, the Legislature of the Dominion of Canada in Parliament assembled, will authorize your Petitioner to submit a case before the Supreme Court of Canada for the purpose of establishing whether the edict of the King of France, Louis the XV., of 1743, was part of the existing law of the land when the Treaty of Peace was concluded between Great Britain and France, on the 10th day of February, 1763, and also whether the 2nd Article of said edict, as pleaded by your Petitioner and his co-heirs, was part of the existing law of the Province of Quebec at the date of the death of the late Hugh Fraser, on the 15th day of May, A.D. 1870, as declared by the judgment of the Court of Queen's Bench for Lower Canada, on the 24th day of June, 1873, and, if so, to order the said judgment to be executed.

2nd.—That your Honourable House will authorize the Supreme Court of Canada to *receive* and to *adjudicate* upon a Petition from your Petitioner similar to, and embodying the same grounds as contained in his Petition presented in Chambers and filed on the 15th day of March, 1878, before the late Chief Justice, Sir W. B. Richards, praying for leave to proceed *in forma pauperis* before the Supreme Court of Canada, in the matter of his Petition, *Requete Civile*, and affidavit attached, attacking the judgment of Her Majesty's Privy Council, as hereinbefore referred to.

That all documents and papers in this cause be placed in the custody of the Minister of Justice.

3rd.—That the Honourable, the Minister of Justice, will order all the documents and papers on file in this cause in the Superior Court and in the Court of Queen's Bench at Montreal, with the list of the same and the dates of their filing in the said Courts, to be transmitted to the Department of the Minister of Justice at Ottawa, and to be there held subject to any action the said Minister may order thereon in connection with the charges herein made by your Petitioner, which charges are more fully set forth in his Petition, *Requete Civile*, and affidavit hereinabove referred to, and that the said Petition, *Requete Civile*, attacking the judgment of Her Majesty's Privy Council, on account of a falsified Record of Court, as filed by your Petitioner in the Superior Court, Montreal, on the 5th day of November, A.D. 1877, under the No. 1586, be also transmitted to the Department of the Minister of Justice at Ottawa for his action thereon.

4th.—And your Petitioner prays that your Honourable House will, in your wisdom, order whatever other action may seem right, so that justice may be done in this cause and that the majesty of the law be upheld.

And, finally :—Your Petitioner prays that this, his Petition and prayer on behalf and in the interest of a wronged and injured family, consisting of *orphans*, *minors* and *absentees* will not in vain be heard at the Bar of the highest Court of Justice in Canada, to wit, at the Bar of the Legislature of the Dominion of Canada in Parliament assembled, and that those falsifiers of a Record of Court and the *signers* and *issuers* of those false and fraudulent accounts pertaining to a public trust shall not escape unpunished, to which end your Petitioner, as in duty bound will ever pray.

JOHN FRASER.

64 Drummond Street, }
Montreal, 6th January, 1882. }

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DECLARATION OF JOHN FRASER
TO BE FILED WITH THE
HONOURABLE THE MINISTER OF JUSTICE
FOR THE
DOMINION OF CANADA.

JOHN FRASER, of the City and District of Montreal, Gentleman, formerly Merchant, residing at No. 64 Drummond Street, Montreal, hereby makes the following solemn declaration respecting the falsification of the Record of Court in the Fraser Institute case.

I, JOHN FRASER, the undersigned, am a brother of the late Hugh Fraser and an heir at law to his estate, and that I am the Petitioner and the signer of the Petition bearing date, the 6th day of January, A.D. 1882, for presentation to the Legislature of the Dominion of Canada in Parliament assembled, relating to matters connected with the estate and succession of the late Hugh Fraser and to the falsification of the Record of Court which was transmitted to Her Majesty's Privy Council in England by the executors and trustees of the estate, for the purpose of wronging and injuring the heirs of the said late Hugh Fraser.

THE FRASER INSTITUTE.

That the late Hugh Fraser bequeathed the whole *rest* and *residue* of his estate, estimated at about \$500,000 to establish the Fraser Institute.

That the said Fraser Institute had no existence either by Letters Patent or by any Act of the Legislature to authorize the same at the date of the testator's death.

That the undersigned and his co-heirs contested the validity of said bequest as having been made, contrary to the law of the land, to a non-existing corporation.

That the Court of Queen's Bench for Lower Canada, by judgment rendered 24th day of June, A.D. 1873, declared said bequest *illegal, null* and *void*, as being made in direct violation of the law of the land to a non-existing corporation, as more fully set forth in the aforesaid Petition to the Legislature of the Dominion of Canada, in Parliament assembled.

That the executors and trustees of the said estate, to wit, the Hon. John J. C. Abbott, Judge Torrance and John Cowan, Esquire, appealed from the said judgment of the Court of Queen's Bench for Lower Canada, to Her Majesty's Privy Council in England.

FALSIFIED RECORD OF COURT.

That the said Appellants, Abbott, Torrance and Cowan, caused to be printed a Record, containing 167 pages of printed matter, purporting to be a Transcript of the Record of Court on file in this cause in the Superior Court and in the Court of Queen's Bench for Lower Canada.

That the said executors and trustees paid for the printing of the said Record out of the funds of the estate and succession of the late Hugh Fraser.

That the said executors and trustees know, and some of them knew at the time of the said printing that the said printed Record was falsified, and that it was falsified for the purpose of wronging and injuring the undersigned and his co-heirs.

That the said falsified printed Record was filed at the instance of and in the interest and on behalf of the said executors and trustees, in Her Majesty's Privy Council in England as the true Record of Court in this cause from Canada.

FALSIFIED MATTER.

That, as more fully set forth in the aforesaid Petition, *the undersigned* complains and declares that all that printed matter which is contained between the pages 97 and 140, both pages inclusive, of said printed Record, is false and fraudulent, and is not and never was of record in the Record on file in the Court appealed from.

2nd.—That the said 44 pages of falsified matter, between the pages 97 and 140, are *marked, numbered and margined*, in and on the margins of the said 44 pages of said falsified Record transmitted to and filed in Her Majesty's Privy Council in England as:—

“ RECORD ”
 “ IN THE ”
 “ COURT ”
 “ OF ”
 “ QUEEN'S ”
 “ BENCH, ”
 “ No. 46. ”

The same being false and fraudulent, there being no such matter on file in the Record of Court in this cause in the Court of Queen's Bench for Lower Canada.

JUDGE BADGLEY'S REASONS OF DISSENT.

That, in addition to the above 44 pages of falsified matter, the matter printed above the name or signature of “ W. Badgley, J.Q.B.,” as contained in that falsified printed Record transmitted to England, between the pages 149 and 167, purporting to be the reasons of dissent delivered by Mr. Justice Badgley *in open Court*, was falsely and fraudulently printed above the name of that learned judge for the purpose of misleading and deceiving their Lordships of Her Majesty's Privy Council as to the existence of a law pleaded by the undersigned and his co-heirs, and which falsified printed reasons are not the reasons delivered by the said judge in open Court.

That *the undersigned* is in possession of a certified copy of the true reasons delivered by Mr. Justice Badgley in open Court in this cause.

That the said executors and trustees, or some one acting for them, suppressed the true reasons of dissent of Mr. Justice Badgley, as delivered by him in open Court, and caused to be printed above his, Judge Badgley's name, those falsified reasons which they knew were not the reasons delivered by the said judge in open Court, and, moreover, they knew that these falsified reasons, if ever signed by Judge Badgley, were not signed by him until nearly or fully three months after he, Judge Badgley, had ceased to be a judge of the Court of Queen's Bench for Lower Canada.

THE FALSIFIED RECORD BEFORE HER MAJESTY'S PRIVY COUNCIL.

That their Lordships of Her Majesty's Privy Council had the said fraudulently printed Record before them when they rendered judgment on the 26th day of November, A.D. 1874, reversing the judgment of the Court of Queen's Bench for Lower Canada, on the ground that their Lordships thought that the 2nd Article of the Edict of 1743, was abrogated.

That *the undersigned* had applied to the said executors and trustees, previous to and after the date of the Privy Council Judgment, for copies of the printed Record, for himself and his co-heirs, but was refused a copy.

That in 1876 or 1877 a few copies of said printed Record, containing, as aforesaid, 167 pages of printed matter, came into the possession of the undersigned.

That *the undersigned* wrote to his solicitors in London, England, requesting them to forward him a copy of the printed Record.

That *the undersigned* received, he believes it was either in February or March, 1876, from his solicitors in London, Messrs. Bischoff, Bompas and Bischoff, a printed Record, marked on cover:—

“ IN THE PRIVY COUNCIL. ”
 “ ON APPEAL FROM QUEBEC. ”
 “ ABBOTT, *et al.*, APPELLANTS. ”
 “ F. ”
 “ FRASER, *et al.*, RESPONDENTS. ”

That the said Record received, from his solicitors in England is made up of *sic parts* of printed matter, namely :—

FIRST PART.—“ Respondents’ case in England.”

6 pages.—page 1 to 6.

SECOND PART.—“ Case of the Appellants in England.”

18 pages—page 1 to 18.

THIRD PART.—“ Record of Proceedings in Canada.”

96 pages—page 1 to 96.

FOURTH PART.—“ Reasons of Judges Taschereau, Monk and Drummond.”

8 pages.—page 1 to 8.

FIFTH PART.—“ Reasons of Chief Justice Duval.”

2 pages.—page 1 to 2

SIXTH PART.—“ Reasons of Judge Badgley.”

19 pages.—pages 1 to 19.

FORTY FOUR PAGES OF FALSIFIED MATTER.

That the undersigned found, on comparing the said two printed Records, that the Record he received from his solicitors in England did not contain one word of the falsified matter complained of, as contained in the 44 pages between the pages 97 and 149 in that falsified Record as printed and filed at the instance of the executors and Trustees, as aforesaid, in Her Majesty’s Privy Council in England.

That the judgment of the Court of Queen’s Bench for Lower Canada in this cause was rendered at Montreal on the 24th day of June, 1873.

That Judge Badgley ceased to be a judge of the Court of Queen’s Bench for Lower Canada previous to the 6th day of March, A.D. 1874.

That the said judge has been acting in the capacity of *consulting counsel* ever since he left the Bench, and had, the undersigned believes, been consulted as counsel by the said executors and trustees in this cause.

That the reasons purporting to be the reasons delivered by Mr. Justice Badgley *in open Court*, as contained between the pages 149 and 167, of that falsified Record, are not only false, as aforesaid, but are further false and fraudulent because the said reasons were not written, completed and transmitted to Her Majesty’s Privy Council in England until three months after Judge Badgley had ceased to be a judge, and during which time, namely, the completing of said falsified reasons, the said judge had been acting in the capacity of consulting counsel.

That the reasons purporting to be Judge Badgley’s reasons were not received at the Privy Council in England for nearly a whole year after they were delivered, to wit, they were delivered on the 24th day of June, A.D. 1873, but were not received at the Privy Council until about the 18th day of June, 1874.

THE HONOURABLE JOHN J. C. ABBOTT.

That the Honourable John J. C. Abbott in his several capacities of executor and trustee to the estate, and President of the Fraser Institute, was and is the ruling spirit in this matter, *for good or for evil*.

That the said *Hon. John J. C. Abbott* caused to be printed in London, England, a document containing 19 pages of printed matter, under date,—“ London, 20th July, 1874,” namely :

“ MEMO : FOR APPELLANTS.”

This document, “*Memo : for Appellants*,” advocates the cause of the Appellants, and Mr. Abbott, in support of his cause, refers to and makes use of the falsified matter, as aforesaid, between the pages 97 and 149, this matter, Mr. Abbott knew to be false matter, therefore, he made use of a falsified Record of Court for the purpose of wronging and injuring the undersigned and his co-neirs, knowing the said Record to have been falsified.

Therefore, the undersigned, as a Respondent in this cause before the Judicial Committee of Her Majesty’s Privy Council in England, declares that owing to the fraudulent tampering with the Record of Court transmitted to England, as set forth in the Petition of the undersigned to the Legislature and in this declaration, there has been no proper adjudication in this cause by Her Majesty’s Privy

Council, because the judgment of Her Majesty's Privy Council reversing the judgment of the Court of Queen's Bench for Lower Canada, was based upon a Record which is not and never was of record in the Record on file in the Court appealed from.

Wherefore, and for the above reasons, the undersigned as a loyal British subject prays for common British justice in this matter in accordance with the law of the land, and that the Honourable, the Minister of Justice for the Dominion of Canada will order all the papers and documents on file in this cause in the Superior Court and in the Court of Queen's Bench for Lower Canada, at Montreal, with a list of the same and the dates of their filing in the said courts, also the Petition, *Requête Civile*, with affidavit attached, filed by the undersigned in the Superior Court at Montreal, on the 5th day of November, A.D. 1877, under the No. 1586, to be transmitted to the Department of Justice at Ottawa, subject to whatever action the Honourable, the Minister of Justice may be pleased to order thereon.

And the undersigned prays, in the interest of Justice, that action be taken against the falsifiers and the users of the falsified matter of that falsified Record of Court as set forth in this Declaration, and in the Petition of the undersigned to the Legislature of the Dominion of Canada in Parliament assembled.

I, the undersigned, do solemnly declare that the above facts are true, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Act passed in the thirty-seventh year of Her Majesty's reign, intitled: "Chap. 37," "An Act for the suppression of voluntary and extra judicial oaths."

JOHN FRASER.

Declared and acknowledged before me, the Mayor }
of the City of Montreal, at the City Hall, in said City, }
on this Twenty Seventh Day of January, A.D. 1882. }



J. L. BEAUDRY,

MAYOR.

